

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY S 95 OCT 14 AM 7:56 D.C.

THOMAS M. GOULD
CLERK U.S. DISTRICT COURT
W.D. OF TN, JACKSON

TERRY L. CHARLTON

Plaintiff,

VS.

TENNESSEE DEPARTMENT OF
CORRECTION, ET AL.,

Defendants.

No. 04-1290-T/An

ORDER DISCHARGING SHOW CAUSE ORDER

On August 30, 2005, the Court issued an order for plaintiff Terry L. Charlton to show cause why his claims against defendant Cole should not be dismissed for failure to prosecute. The Court noted that Cole had been served with process on February 25, 2005, but had not yet responded to the complaint. The Court further noted that plaintiff had taken no other action to prosecute his claim against Cole.

After receiving two extensions of time, plaintiff responded to the order to show cause on October 13, 2005. However, defendant Cole responded to the complaint by filing a motion to dismiss on September 22, 2005. Therefore, the order to show cause is hereby DISCHARGED as moot.

IT IS SO ORDERED.

James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

13 October 2005
DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 36 in case 1:04-CV-01290 was distributed by fax, mail, or direct printing on October 17, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT